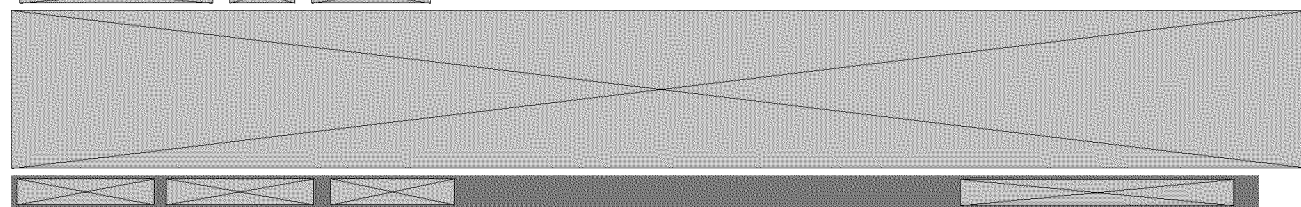


To: Meiburg, Stan[Meiburg.Stan@epa.gov]
From: BNA Highlights
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Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Court Halts Power Plant Startup Lawsuits

Posted August 19, 2015, 11:33 A.M. ET

By [Patrick Ambrosio](#)

The U.S. Court of Appeals for the District of Columbia Circuit halted a pair of lawsuits related to power plant startup provisions in the mercury and air toxics standards until the court issues its decision on whether the standards should remain in place.

The federal appeals court will decide whether the MATS rule will be vacated or remain in place while the Environmental Protection Agency works to address a June ruling by the U.S. Supreme Court that the agency was required to consider costs when deciding it was "appropriate and necessary" to regulate mercury emissions from power plants.

The court yesterday issued orders holding a pair of related lawsuits in abeyance pending the court's disposition of the main MATS litigation. Those are:

- a lawsuit brought by [White Stallion Energy Center](#) to challenge the MATS rule's requirement that power plants comply with a work practice standard during startup and shutdown; and
- a lawsuit brought by the [Utility Air Regulatory Group](#) to challenge a 2014 rule that established an alternative work practice standard for power plant startup.

Pavement Sealant Maker Fined \$10M for River Pollution

Posted August 19, 2015, 3:32 P.M. ET

By [Chris Marr](#)

An asphalt sealant manufacturer in Atlanta faces a \$10 million fine for water pollution violations, although cleanup of the affected streambed may have to wait while a related lawsuit against the property owner is resolved.

Daily Environment Report

American Sealcoat closed its Atlanta facility and “left town” after the Chattahoochee Riverkeeper filed a Clean Water Act citizen lawsuit against it July 20, 2014, Chattahoochee Riverkeeper Jason Ulseth told Bloomberg BNA today. The organization's lawsuit said American Sealcoat allowed toxic materials to run off its site into the Chattahoochee River and an unnamed tributary.

U.S. District Judge Orinda D. Evans ordered American Sealcoat Manufacturing to pay the \$10 million civil penalty in an Aug. 13 [default judgment](#) in the U.S. District Court for the Northern District of Georgia. Efforts to collect the \$10 million penalty will fall to the U.S. Department of Justice, Ulseth said, while Chattahoochee Riverkeeper focuses on its [lawsuit](#) against property owner M&K Warehouses.

“Moving forward, we're hoping to get this case resolved with M&K Warehouses as quickly as possible and get this dumpsite cleaned up,” Ulseth said. “There are still toxins and carcinogens being transported into the river every time it rains.”

EPA Inspector General Sued Over Documents

Posted August 19, 2015, 3:35 P.M. ET

By [Patrick Ambrosio](#)

The Public Employees for Environmental Responsibility [sued](#) the Environmental Protection Agency's Office of Inspector General today for failing to release documents related to a review of carbon monoxide exposure studies.

The organization, a nonprofit association of local, state and federal scientists, land managers and other professionals, requested but has not received records on the OIG's actions in response to allegations of scientific misconduct in the carbon monoxide studies. Those allegations were raised in three separate complaints made to an EPA telephone line.

PEER in May submitted a request under the Freedom of Information Act for all records related to the review of those complaints, including supporting documents and e-mail correspondence.

The lawsuit, filed in the U.S. District Court for the District of Columbia, alleged that the OIG failed to issue a timely response to the request. PEER asked the court to order disclosure of the requested records.

Neonics Widespread in Waterways, USGS Finds

Posted August 19, 2015, 1:47 P.M. ET

By [David Schultz](#)

Most streams in the U.S. contain traces of neonicotinoids, according to a U.S. Geological Survey [study](#) published online this week in the journal “Environmental Chemistry.” Neonicotinoids are widely used insecticides produced and sold by Bayer CropScience, Syngenta and other agrochemical companies.

USGS researchers took samples of several dozen streams nationwide and detected at least one neonicotinoid in more than half the streams. None of the streams the researchers tested contained concentrations of neonicotinoids above levels the Environmental Protection Agency has determined would harm aquatic life.

The study is the first nationwide attempt to look at the prevalence of neonicotinoids in bodies of water, USGS researchers say. Neonicotinoids have been subject to scrutiny in recent years as more scientific evidence links them to a collapse in the populations of bees and other pollinating insects.

Colorado Mine Spill Seeps Into Presidential Race

Posted August 19, 2015, 1:38 P.M. ET

By [Anthony Adragna](#)

The spill of 3 million gallons of metals and sediment into Colorado's Animas River became an issue in the presidential race yesterday as Republican contender Ben Carson toured the site and promised “a different kind” of Environmental Protection Agency if he becomes president.

Carson, a retired neurosurgeon, told a crowd in Durango that the EPA should be held responsible for causing the Aug. 5 release from the Gold King Mine near Silverton, and he vowed to radically revamp the agency if elected president.

"Under my administration, you wouldn't have to sue the EPA, because I would get rid of all the old people and bring in people who understand the Constitution," Carson said, according to the [Durango Herald](#).

Following his speech, he told the newspaper that he would not fire "everyone" at the agency and was referring to "people who don't understand the purpose of the EPA, which is not to make businesses miserable."

Company to Pay \$200,000 Over Spill, Response Plans

Posted August 19, 2015, 3:50 P.M. ET

By [Christopher Brown](#)

A Missouri maker of asphalt oil will pay more than \$200,000 to resolve charges that it violated the Clean Water Act and the Emergency Planning and Community Right-to-Know Act at a facility located next to the Eleven Point River in southern Missouri, the Environmental Protection Agency said yesterday.

The company, Coastal Energy Corp., did not have an adequate spill prevention plan or a facility response plan, and did not have adequate secondary containment for oil storage, the EPA said in a statement.

Coastal Energy manufactures asphalt oil and stores approximately 2.8 million gallons of liquid asphalt, ethanol and diesel fuel at the facility, which was subjected to an EPA inspection in early 2014.

The settlement includes \$25,000 in fines and payment of more than \$180,000 for supplemental environmental projects designed to allow continuous monitoring of the site for spills and to provide equipment for local first responders.

Study: China's Carbon Emissions Lower Than Thought

Posted August 19, 2015, 3:40 P.M. ET

By Michael Standaert

China's carbon emissions between 2000 and 2013 were significantly lower than previously thought, the journal Nature reported today, basing its finding in large part on a closer scrutiny of the type of coal the country burns.

[The report](#) said carbon emissions from China—the world's largest carbon emitter—may have been overestimated by 2.9 billion metric tons during the 13-year span studied, which [Nature.com](#) quantified as "larger than the estimated amount of carbon that the world's forests pulled out of the atmosphere from 1990 to 2007."

The report estimated that China's carbon emissions for the year 2013 alone were 14 percent lower than previously thought.

"This doesn't change the fact that China is still the largest emitter [of carbon dioxide] in the world," Guan Dabo, lead researcher from the University of East Anglia, told Bloomberg BNA. "The whole world, China and all the major developed and developing countries need to have more accurate emissions [data] because you need accurate baselines to have [emissions reduction] targets. If you don't have accurate baselines it becomes a number-crunching game."

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